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## **Law and Norms and Will & Grace**

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# LAW AND NORMS AND *WILL & GRACE*

CHRISTINE A. CORCOS\*

## I. INTRODUCTION

The reboot movement is upon us. While the revival of the popular 1990s series *Roseanne* ended abruptly after star Roseanne Barr tweeted an offensive comment about former President Obama's advisor, Valerie Jarrett,<sup>1</sup> ABC transformed the show into a sequel, *The Conners*, which features all of the original cast members, except Barr.<sup>2</sup> *MacGyver*,<sup>3</sup> *Hawaii 5-0*,<sup>4</sup> and *Magnum, P.I.*<sup>5</sup> are all currently thriving at CBS, although the network cancelled a second season of the rebooted *Murphy Brown*.<sup>6</sup> *Dynasty* will return for a third season (both on The CW and on Netflix),<sup>7</sup> and other networks are airing or developing reincarnations of series that went off the air decades ago.<sup>8</sup> Among the hit

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<sup>1</sup> Joe Otterson, "Roseanne" Canceled at ABC, VARIETY (May 29, 2018), <https://variety.com/2018/tv/news/roseanne-canceled-abc-1202824211/>.

<sup>2</sup> Chris Harnick, "She Destroyed My Life": Barr Blames Sara Gilbert for "Roseanne" Cancellation as "The Conners" Is Renewed, NBC4 (Mar. 22, 2019), <https://www.nbctv.com/entertainment/entertainment-news/The-Conners-Renewed-Season-2-as-Barr-slams-gilbert-507520202.html>.

<sup>3</sup> See generally *MacGyver* (CBS television broadcast Sept. 23, 2016).

<sup>4</sup> See generally *Hawaii Five-0* (CBS television broadcast Sept. 20, 2010).

<sup>5</sup> See generally *Magnum-P.I.* (CBS television broadcast Sept. 24, 2018).

<sup>6</sup> Lesley Goldberg, "Murphy Brown" Revival, 3 More Comedies Canceled at CBS, THE HOLLYWOOD REP. (May 10, 2019), <https://www.hollywoodreporter.com/live-feed/murphy-brown-revival-canceled-at-cbs-1208759> (discussing the cancellations of *Murphy Brown*, *Life in Pieces*, and the new series *Fam* and *Happy Together*).

<sup>7</sup> Kasey Moore, "Dynasty" Season 3 Netflix Release Schedule 2019-20, WHAT'S ON NETFLIX (Aug. 29, 2019), <https://www.whats-on-netflix.com/news/dynasty-season-3-netflix-release-schedule-2019-20/>.

<sup>8</sup> See Kirsten Acuna & Libby Torres, 26 TV Reboots, Remakes, and Spin-Offs That Are in the Works, INSIDER (Aug. 29, 2019), <https://www.insider.com/tv-reboot-remake-spin-offs-2018-9>; see also 21 TV Reboots That Should Have Been Booted, from The Twilight Zone to Charmed, THE WRAP (June 17, 2019), <https://www.thewrap.com/21-tv-reboots-that-should-have-been-booted-twilight-zone-charmed-photos/> (criticizing the creative or other impulses behind the airing of such remakes as the new *Twilight Zone*, *Charmed*, and

series that NBC has brought back to the airwaves is *Will & Grace*, which ran for eight seasons beginning in 1998 and ending in 2006.<sup>9</sup> The reboot premiered in 2017 after a successful ten minute “reunion” video centered on politics,<sup>10</sup> and will leave the air with an eighteen-episode third season airing in 2020.<sup>11</sup>

## II. THE NATURE OF THE SHOW AND CHARACTERS

Like many other popular series featuring lawyers and law-related characters that are not primarily legal shows,<sup>12</sup> *Will & Grace* was and is primarily a “relationship” show. The show features the friendships and closeness among the four main characters, best friends Will Truman and Grace Adler, who originally met in college,<sup>13</sup> and Will’s friend Jack McFarland and Grace’s friend Karen Walker, who are brought together through their relationships with Will and Grace and also eventually become friends. Jack and Karen’s friendship is an exaggerated analogue of Will and Grace’s relationship. That Grace, Jack, and Karen should form a friendship with an attorney isn’t unusual. In 1998, the year that the show began airing, the American Bar Association (ABA) reported that the United States population included 985,921 lawyers.<sup>14</sup> New York had and continues to have the highest proportion of attorneys per state in the country.<sup>15</sup>

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*Magnum P.I.*).

<sup>9</sup> *Will & Grace* (NBC television broadcast Sept. 28, 2017).

<sup>10</sup> Kate Stanhope, “*Will & Grace*” Cast Tackles Donald Trump, Hillary Clinton and Brangelina for Election-Themed Reunion, *THE HOLLYWOOD REP.* (Sept. 26, 2016), <https://www.hollywoodreporter.com/live-feed/will-grace-reunion-election-video-932692>.

<sup>11</sup> Jackie Strause, “*Will & Grace*”: All the Details About the Final Season (So Far), *THE HOLLYWOOD REP.* (Sept. 02, 2019), <https://www.hollywoodreporter.com/live-feed/will-grace-all-final-season-details-far-1234947>.

<sup>12</sup> See generally *How I Met Your Mother* (20th Century Fox television broadcast Sept. 19, 2005); *Picket Fences* (CBS television broadcast Sept. 18, 1992); *The Cosby Show* (NBC television broadcast Sept. 20, 1984); *The Addams Family* (ABC television broadcast Sept. 18, 1964) (Relatively few viewers remember that Gomez Addams is an attorney).

<sup>13</sup> The audience learns about the circumstances of Will and Grace’s first meeting in several episodes. *Will & Grace: Head Case* (NBC television broadcast Oct. 5, 1998); *Will & Grace: Lows in the Mid-Eighties* (NBC television broadcast Nov. 23, 2000). However, Grace explains to Will that the story he is fond of telling explaining the circumstances of their meeting is actually incorrect. *Will & Grace: Marry Me a Little More* (NBC television broadcast Nov. 21, 2002).

<sup>14</sup> Debra Cassens Weiss, *Lawyer Population 15% Higher Than 10 Years Ago*, *New ABA Data Shows*, *ABA J.* (May 3, 2018), [http://www.abajournal.com/news/article/lawyer\\_population\\_15\\_higher\\_than\\_10\\_years\\_ago\\_new\\_aba\\_data\\_shows](http://www.abajournal.com/news/article/lawyer_population_15_higher_than_10_years_ago_new_aba_data_shows).

<sup>15</sup> See 21st Annual Report of the Chief Administrator of the Courts of New York, 1998, at 36. In 1998, New York’s Chief Administrator of the Courts reported a total of 175,691 attorneys registered with the state. *Id.* In 2005, for example, New York had 142,538 registered attorneys. California had the next highest number of registered attorneys—139,371.

While it is not a legal show, *Will & Grace* does often feature legal themes, partly because one of its main characters is an attorney and partly because the law is such an important part of daily American life. If we have a problem or a dispute, we often consider whether the appropriate solution is a legal one, or whether we will be satisfied with a less formal and perhaps less binding outcome. More and more, we tend to view relationships and interactions through the legal system, using the law's language and the law's behavior. However, the characters in *Will & Grace* do not always decide on legal solutions to their problems. They may fashion other solutions that they think suit their needs, or they may never consider the law at all.

*Will & Grace* reflects these American attitudes and approaches. Grace and Jack also rely heavily on Will to provide legal, financial, ethical, and emotional support, even if they often disagree with him. Karen has a wealthy husband and expresses dislike for what she considers to be Will's emotional dominance over Grace, but often consults Will on legal matters—even when that consultation is ethically problematic. Grace has a successful career, but often expects Will to pay for her ordinary expenses (as if they were married).<sup>16</sup> In one episode, her inability to budget becomes the subject of a dispute.<sup>17</sup> Jack is passionate about acting and spends much of his life seeking a career in show business, although he has no talent,<sup>18</sup> and depends on his mother,

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The trend continued through 2019. See *ABA National Lawyer Population 2015*, A.B.A. (2015), <https://noticiasmicrojuris.files.wordpress.com/2016/01/national-lawyer-population-by-state-2005-2015.pdf>. According to the ABA, New York had 182,296 attorneys registered in the year 2019, and 179,600 in 2018. The next highest number by state was in California (170,117 in 2019; 170,044 in 2018). See *ABA National Lawyer Population Survey 2019*, A.B.A. (2019), [https://www.americanbar.org/content/dam/aba/administrative/market\\_research/national-lawyer-population-by-state-2019.pdf](https://www.americanbar.org/content/dam/aba/administrative/market_research/national-lawyer-population-by-state-2019.pdf).

<sup>16</sup> Both Karen and other characters make comments about the damage this dependence creates for Grace's ability to enter into a long-term relationship. Karen: "Grace, the reason you're not in a relationship is on line one." *Will & Grace: Replaced* (NBC television broadcast Apr. 8, 1999). Danny (Grace's former fiancé): "So, listen, Gracie . . . It was . . . It was great seeing you again. What about maybe going away this weekend? You know what? Never mind, never mind. I forgot that to have a relationship with Grace is to have a relationship with Will and Grace. It was always a threesome, and not the good kind." *Will & Grace: Object of My Rejection* (NBC television broadcast May 13, 1999).

<sup>17</sup> *Will & Grace: Coffee and Commitment* (NBC television broadcast Jan. 4, 2001).

<sup>18</sup> He finally faces the truth in *Will & Grace: A Buncha White Chicks Sittin' Around Talkin'* (NBC television broadcast May 9, 2002). Jack auditions for a Broadway play, realizes that he cannot deliver a single line with conviction, and leaves the stage voluntarily. *Id.* He also careens from one career to another, even if he realizes he has a talent for one that he selects. In the tenth season, Jack announces his newest qualification: "certified psychic." *Will & Grace: Who's Sorry Now?* (NBC television broadcast Oct. 25, 2018). The characters have previously indicated interest in the paranormal. See *Will & Grace: Gypsies, Tramps, and Weed* (NBC television broadcast Nov. 16, 2000). Grace gives Will

Karen, and Will to pay his way until he finally finds a job at the start-up network OUT-TV.<sup>19</sup> Even after that limited success, he continues to expect that they will pay his expenses.

The show satirizes all the professions in which the characters engage, not just law, although law and the characters' relationships with and reactions to the law are recurring themes. Grace Adler is a designer, and many episodes parody her attitudes, her clients, and her career. In one case, she has difficulty coming up with an inspiration for a room to enter in a competition and repeatedly asks April, the woman Will has hired to clean their apartment, to assist her. April is actually aggressive in this role, but Grace increasingly relies on her until Will insists that Grace depend only on herself and believe in her own abilities.<sup>20</sup>

Indeed, *Will and Grace* presents us with critiques of a great many professions, not just law. Just as it satirizes interior designers in numerous episodes, it makes fun of therapists. When Will begins having erotic dreams about Grace, he sees a therapist, who suggests that he bring Grace in to help sort out the problem. When the therapist (played by Markus Flanagan) meets Grace, he is immediately attracted to her, and no longer has any interest in counseling Will, except in order to find out how to attract Grace.<sup>21</sup> In another, Will and Grace see a therapist to help them decide whether to have a baby. The therapist (never seen) says nothing throughout the session, which finally ends because the therapist annoys them.<sup>22</sup> In another episode, the merciless psychologist Dr. Georgia Keller (guest star Sharon Stone) harasses Will with a series of bizarre "assignments" intended to work on his insecurities that only serve to make him even more insecure.<sup>23</sup> Business people, represented by Karen's husband Stan Walker, are crooked and grasping, if they are successful. If they are honest, like Stan's former business partner, they are failures.<sup>24</sup> Scott Woolley, who tries to take over Walker, Inc., out of a desire for revenge because of a loss he suffered from a high school election to Karen Walker, is petty and mean-spirited.<sup>25</sup> The one exception seems to be Harlin Polk, Will's first

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a gift certificate for a psychic reading and the psychic's information seems to be accurate. *Id.*

<sup>19</sup> *Will & Grace: One Gay at a Time* (NBC television broadcast Sept. 30, 2004).

<sup>20</sup> *Will & Grace: My Fair Maid-y* (NBC television broadcast Feb. 2, 1999).

<sup>21</sup> *Will & Grace: He's Come Undone* (NBC television broadcast Feb. 8, 2000).

<sup>22</sup> *Will & Grace: A Buncha' White Chicks Sittin' Around Talkin'* (NBC television broadcast May 2, 2002).

<sup>23</sup> *Will & Grace: The Blonde Leading the Blind* (NBC television broadcast Apr. 21, 2005).

<sup>24</sup> *Will & Grace: Went to a Garden Potty* (NBC television broadcast Apr. 4, 2002).

<sup>25</sup> *Will & Grace: Board Games* (NBC television broadcast Jan. 6, 2005); *Will & Grace:*

important client, who seems to be both honest and successful, but who leaves Will behind to find other legal talent.

Her friends, including Will Truman, and her assistant, Karen Walker, often make fun of or criticize her work. In one episode, Will, who has actually prevailed upon his most prominent client Harlin Polk to hire her, undercuts that relationship because he disapproves of the result.<sup>26</sup> In another, Grace presents a business plan to the wealthy Karen in order to obtain a loan because Karen disingenuously tells her, “I don’t know what you *do*.”<sup>27</sup>

### III. THE LAW AS A THEME IN *WILL & GRACE*

For each of the characters, the law provides a possible resolution for disputes or a path toward some goal that they identify. They see the law only in relation to themselves. Will, as an attorney, understands that the rule of law might prohibit the outcomes that the other characters desire. The other characters in the show see only what the law can do for them, and the show repeatedly presents both opportunities for them to appeal to “the law” as they believe it should function for them, or to ignore it when it suits them to do so. Their frequent use of derogatory words or use of stereotypes indicates the extent to which they lack a degree of self-awareness, which translates to immaturity. Karen originally married for money and social status, but her feelings for Stanley Walker seem to have evolved into genuine affection.<sup>28</sup> However, she insults him constantly, in particular making derisive comments about his appearance. When she finally files for divorce, she does so because he has left her for another woman.<sup>29</sup> In a reboot episode, she mourns the end of her marriage to Stan in a touching scene by singing “The Man That Got Away.”<sup>30</sup>

Karen disparages Rosario Salazar, the employee who is most loyal

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*Bully Woolley* (NBC television broadcast Feb. 3, 2005).

<sup>26</sup> *Will & Grace: Between a Rock and Harlin’s Place* (NBC television broadcast Oct. 12, 1998).

<sup>27</sup> *Will & Grace: Stakin’ Care of Business* (NBC television broadcast Dec. 6, 2001) (emphasis added). In this episode, Karen refuses to loan Grace the money, and eventually explains that the economy indicates that expansion of a business that substantially relies on consumers’ disposable income would be unwise but that she didn’t want to hurt Grace’s feelings. *Id.*

<sup>28</sup> For example, after Stan begins his prison sentence, he counsels her to have an affair rather than wait for him to be released, but she resists, telling her friends that she loves Stan and she wants to be faithful. *Will & Grace: And the Horse He Rode in On* (NBC television broadcast Sept. 26, 2002).

<sup>29</sup> *Will & Grace: May Divorce Be with You* (NBC television broadcast May 1, 2003).

<sup>30</sup> *Will & Grace: Where in the World Is Karen Walker?* (NBC television broadcast Oct. 11, 2018).

to her and who saves her life at least once.<sup>31</sup> In response, Karen asks Will to help her invalidate her oral agreement to allow Rosario one Friday off per month.<sup>32</sup> She does try to help Rosario stay in the United States by finding her an American husband to marry, but that attempt may be more for her own benefit than Rosario's. Yet they seem to have affection for each other. Rosario sets Karen's mind at ease concerning her planned remarriage by pretending to be Stan's voice from the beyond giving Karen "permission" to take a new husband.<sup>33</sup> After her death, Rosario sends Karen a message to re-engage with life and find happiness after her divorce from Stan.<sup>34</sup>

Karen's general approach to treatment of her employees, however, is to refuse to offer them decent working conditions. Karen refers to having sent them to the hospital for various useless surgeries, and she repeatedly fails to show them a lack of consideration and loyalty.<sup>35</sup> In an early episode, taking Grace's thoughtless advice, she fires the chauffeur who has been with the family for years, seeming to be unaware that forcing a pensionless, elderly, seventy-year-old man out of a job is truly heartless. Her consideration seems to be possible liability should the man cause an accident, even though as a multi-millionaire, she could easily pay for her loyal employee's retirement.<sup>36</sup>

Karen uses her husband's money to dominate and control others, although she cheerfully realizes that she is doing so. She believes that the law should do the bidding of the wealthy and powerful. She also expects others to be loyal to her, which often puts her at odds with Will, because her husband is an important client of Will's law firm, Doucette and Stein. However, she finds her mother's confidence games distasteful and distressing, and is unhappy when her mother insists on "one last scam."<sup>37</sup> Karen also uses her power to evict a tenant from one of her husband's buildings. As a lark, she decides to try living in an apartment and moves in with a young woman who is seeking a roommate.<sup>38</sup>

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<sup>31</sup> *Will & Grace: Dames at Sea* (NBC television broadcast Sept. 25, 2005).

<sup>32</sup> *Id.*

<sup>33</sup> *Will & Grace: East Side Story* (NBC television broadcast Mar. 11, 2004).

<sup>34</sup> *Will & Grace: Who's Sorry Now?* (NBC television broadcast Oct. 25, 2018).

<sup>35</sup> *Will & Grace: Yours, Mine, and Ours* (NBC television broadcast Mar. 2, 1999).

<sup>36</sup> In the event, he does not retire. We see him in a later episode, as the captain of her yacht, and he is equally incompetent. *Will & Grace: 24* (NBC television broadcast May 15, 2003).

<sup>37</sup> *Will & Grace: Something Borrowed, Someone's Due* (NBC television broadcast Mar. 7, 2002).

<sup>38</sup> *Will & Grace: Dolls and Dolls* (NBC television broadcast Apr. 24, 2003). In another episode, Will, now working for an organization called the Coalition for Justice, wins a tenants' rights case against Karen. The judge sentences her to spend some time living in one of her vermin-infested apartments, which she finds quite enjoyable. *Will & Grace:*



While things begin well, the two have a falling out, and the roommate (played by Madonna), tells Karen to write out a check for her share of the month's rent to "Walker Management" and leave immediately. But Karen, who did not know who the owner was, is very pleased to hear the landlord's name. She tells the roommate to leave immediately, which, of course, she cannot do.<sup>39</sup>

Grace can be quite manipulative as well, setting up her client with Will to keep the client's goodwill in the episode "Saving Grace."<sup>40</sup> To be fair, Will gives her the idea that she should "figure out the one thing that [she] can bring to the table that nobody else can" to secure the client's business.<sup>41</sup> When the client expresses his interest in Will, she promises to set them up on a date. Of course, Will is horrified and takes an immediate dislike to the client, but Grace fails to understand his objection, given his earlier advice.

Will's own career as a lawyer often provides the theme for episodes of the show. To the extent that any of the characters comment about Will's legal career at all, most apparently assume that Will is both an effective and ethical lawyer. Certainly, the show portrays him as a gifted attorney who usually wins his cases and whom firms seem to pursue. After law school, he has no trouble finding a position as an associate at Getman and Denofrio, then leaves to start his own law firm. He soon attracts a wealthy client, Harlin Polk, for whom he handles a number of complex business deals.<sup>42</sup> Polk is a multi-millionaire from Texas who spends time in New York (and apparently elsewhere) buying real estate and completing mergers; we may be forgiven for not understanding why Polk hires a sole practitioner to handle such high-profile work instead of a white-shoe firm. Eventually Polk abandons him for more experienced legal assistance, which devastates Will, as he has shed his other clients in order to concentrate on Polk's legal matters.<sup>43</sup> These episodes present Will as a successful corporate lawyer in spite of his youth.<sup>44</sup> Yet he repeatedly agrees to handle all kinds of other legal problems for his friends. He evinces his willingness to do so quite early in the first season of the show. However, to the extent that the show features Will's legal career, it serves as a "McGuffin."<sup>45</sup>

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*Swish Out of Water* (NBC television broadcast Nov. 24, 2005).

<sup>39</sup> See Tenants' Rights Guide, Office of the New York State Attorney General, at 16.

<sup>40</sup> *Will & Grace: Saving Grace* (NBC television broadcast Apr. 29, 1999).

<sup>41</sup> *Id.*

<sup>42</sup> *Will & Grace: Polk Defeats Truman* (NBC television broadcast Nov. 16, 1999).

<sup>43</sup> *Id.*

<sup>44</sup> *Will & Grace: Between a Rock and Harlin's Place* (NBC television broadcast Oct. 12, 1998); *Will & Grace: Boo! Humbug* (NBC television broadcast Oct. 26, 1998).

<sup>45</sup> Screenwriter Angus MacPhail coined the term "MacGuffin" (sometimes spelled as

That is, it allows the writers to develop any number of stories, but it does not portray the law or an attorney's responsibilities accurately. Instead, it provides stereotypes against which we can measure the characters and their behavior. The show provides us with exaggerations, tropes, and memes that allow us to re-examine assumptions about lawyers and our beliefs about them, often, but not always, unfounded, and usually played for laughs.

In "Where There's a Will, There's No Way," Jack runs into serious trouble with the Internal Revenue Service (IRS) because he has never paid income taxes.<sup>46</sup> Will takes control of the situation. He arranges to meet with an IRS agent on Jack's behalf and works out a payment plan for Jack. Indeed, he agrees to advance Jack the money to pay what he owes the government. Jack is, of course, completely unable to make the payments.<sup>47</sup> Will might understand tax law because he is a corporate lawyer. Jack also has little or no income, thus, he explains, his reason for failing to pay income taxes. As he tells Will, "I never started paying my taxes, so I can continue not paying them." We can understand why Will might want to help his poverty-stricken friend with his legal dilemma.<sup>48</sup>

When Karen considers divorcing her multi-millionaire husband, Stanley, she consults Will.<sup>49</sup> Her decision to speak to Will, rather than a divorce attorney, is difficult to understand. Additionally, Will's willingness to talk with her is also difficult to fathom. As a friend, he might be willing to lend an ear, but domestic relations law is not his area of expertise, as he tells her. As a wealthy woman, she has access to the best legal talent in New York. Karen tells Will that she needs to understand Stanley's business affairs, but surely any number of attorneys in the city would be better situated than Will to assist her with that task.

Similarly, Jack consults Will when he "Zsa-Zsas" (slaps) a meter maid.<sup>50</sup> He refuses to take Will's advice on how to handle himself in

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"McGuffin") to refer to the plot device that characters pursue in films or novels toward some end. The story almost never explains what the "MacGuffin" actually is. COLIN MCARTHUR, *WHISKY GALORE! AND THE MAGGIE: A BRITISH FILM GUIDE* 21 (London: I. B. Taurus, 2002). MacPhail worked on Hitchcock's film *The Thirty-Nine Steps*. *Id.* Hitchcock, who later popularized the term, undoubtedly heard it from him.

<sup>46</sup> *Will & Grace: Where There's a Will, There's No Way* (NBC television broadcast Nov. 16, 1998).

<sup>47</sup> *Id.*

<sup>48</sup> *Id.*

<sup>49</sup> *Will & Grace: William, Tell* (NBC television broadcast Nov. 9, 1998).

<sup>50</sup> *Will & Grace: Grace, Replaced* (NBC television broadcast Apr. 8, 1999). The reference is to the conviction of actress Zsa Zsa Gabor in 1989 for slapping a police officer who arrested her for driving with an expired license and driving with an open container of alcohol. See Edmund Newton, "I Can't Believe It," *She Says: Zsa Zsa Gabor Convicted of*

court, and the judge sentences him to community service.<sup>51</sup> Again, we assume that Will gives Jack some assistance because Jack can't afford to hire a lawyer on his own, just as Jack could not afford to hire a tax lawyer.<sup>52</sup>

When Grace decides to purchase the studio that serves as her office, she asks Will to represent her.<sup>53</sup> While Will is a corporate lawyer, and he probably knows something about real estate law, he seems to take this case only because Grace asks him to. He really should refer her to a real estate attorney, assuming she needs one. She surely has the kind of financial wherewithal to pay for such legal assistance.<sup>54</sup> As we see during the episode, Will's negotiating style and his dismissive treatment of Grace nearly derail the deal. Grace ultimately maneuvers the seller into a lower selling price than he was willing to offer when Will represented her.<sup>55</sup> Will's overconfidence and aggressive stance in this episode, and as well as in several others, indicates that he tends to overestimate his negotiating ability and perhaps his legal skills as well,<sup>56</sup> even though the show repeatedly suggests that he is a talented lawyer who easily attracts clients.

Over *Will & Grace*'s original eight seasons, we see Will find positions in law firms easily. Indeed, he seems never to have to interview in order to be hired, which is enviable. Hiring partners seem to come calling.<sup>57</sup> However, his success and a seeming lack of awareness repeatedly lead him astray and present the opportunity for many story arcs. After Will begins work at Ben Doucette's law firm, having brought Stanley and Karen Walker in as clients, his relationship with

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*Slapping Police Officer*, L.A. TIMES (Sept. 30, 1989), <https://www.latimes.com/archives/la-xpm-1989-09-30-mn-168-story.html>. A judge sentenced her to three days in jail, to pay restitution of \$10,000 for the cost of the trial, and an additional almost \$3,000 in fines. See Paul Feldman, *Judge Slaps Zsa Zsa with Three Days in Jail*, L.A. TIMES (Oct. 25, 1989), <https://www.latimes.com/archives/la-xpm-1989-10-25-mn-489-story.html>.

<sup>51</sup> *Id.*

<sup>52</sup> Similarly, when Will teaches Karen to drive and she gets a ticket, he represents her in court to challenge the ticket on the grounds that the police officer has failed to sign it. See *Will & Grace: Courting Disaster* (NBC television broadcast Mar. 18, 2004). Why Karen does not hire a driving instructor to teach her to drive is unclear; she is, after all, a millionaire. If she did so, that would interfere with the plot; in this episode Will first meets his future husband, the police officer. *Id.*

<sup>53</sup> *Will & Grace: The Buying Game* (NBC broadcast television Nov. 10, 1998).

<sup>54</sup> Buyers and sellers customarily hire attorneys as well as agents to represent them in both residential and commercial property deals in New York. See Joseph Plambeck, *The Case for Hiring a Lawyer*, N.Y. TIMES (Oct. 2, 2011), <https://www.nytimes.com/2011/10/02/realestate/the-case-for-hiring-a-lawyer-getting-started.html>.

<sup>55</sup> *Id.*

<sup>56</sup> See *Will & Grace: My Best Friend's Tush* (NBC television broadcast May 16, 2000).

<sup>57</sup> *Will & Grace: Terms of Employment* (NBC television broadcast Nov. 30, 1999).

his friends leads him into various ethical complications.<sup>58</sup>

The first occurs as a result of the meeting between Will and Ben Doucette, and Ben's job offer to Will.<sup>59</sup> Grace has hired Will to represent her in a dispute with Ben, who hired her to do some work for him and then refused to pay her. At first, Will is reluctant to take the case, telling her that Ben is a "real litigator" while he (Will) has been unemployed for several months and may not be on a par with the legendary lawyer. Grace eventually persuades him to take her case, and Will meets with the overbearing and pompous Ben. Will thinks he has obtained a favorable outcome when Ben hands him a note, which he assumes is an offer to settle the dispute. Instead, it is a handsome job offer for Will himself.<sup>60</sup> Will is surprised, but Grace is outraged. Will calms her down by telling her that once he is working for Ben, he can much more easily obtain Ben's agreement to pay. Ben, however, refuses, telling Will to get rid of the problem and "take her to arbitration."<sup>61</sup> Again, Grace is furious. Why arbitration should be the first step is not clear. Both parties would have to agree. Grace is an independent contractor, and it is odd that her contract specifies that any disagreements would go to arbitration. Setting that issue aside, we now see Will, who is working for Ben, speaking directly with Grace about the case. He does tell her to get an attorney, and he tells Ben that the situation is awkward for him because Grace is his friend, but Ben brushes his objections aside.

The two then meet in the arbitration hearing, which Grace predictably loses. She appears without counsel and repeatedly uses legal terminology incorrectly.

Grace (to the arbitrator): Hi. You must be Mr. Buhl, arbitrator. Grace Adler, victim. I know you have to remain entirely neutral, but I also know you have to eat, which is why I have put together a roasted chicken, artichoke salad and some *kreplach* direct from Flatbush.

Buhl: Ms. Adler, I can have no part in that. Now, would you please sit down so we may begin?

Grace: I understand. I will just leave it right over here in case you want a nice little nosh.

Will: Grace, where is your lawyer?

Grace: Um, I don't need a lawyer because I have right on my side.

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<sup>58</sup> *Will & Grace: Ben? Hur?* (NBC television broadcast May 23, 2000).

<sup>59</sup> *Will & Grace: Terms of Employment* (NBC television broadcast Nov. 30, 1999).

<sup>60</sup> *Id.*

<sup>61</sup> *Id.*

Will: But you need someone to—

Grace: Excuse me, your honor. Can you please instruct opposing counsel to stop badgering the witness?

Will: Grace, you are not a witness. He is not a judge. This is not a trial, and you are not a lawyer!

Grace: I know you aren't, but what am I?

...

Ben Doucette: (enters the conference room) Keep going. Keep going. I'm just hiding. My ex-wife's in the building. Every time she sees me, it costs me \$10,000. Will? Shouldn't you be over here?

Will: (who is sitting next to Grace) Oh.

...

Buhl: All right, then, let's begin. I'll give each of you an opportunity to argue your side. Based on the legal merit of those arguments, I will render a decision. Mr. Truman, would you care to begin?

Will: According to paragraph [three] of the contract, any of Ms. Adler's purchases had to be mutually agreed upon by both parties. Ms. Adler made said purchases without the consent of my client, therefore, he should not be required to pay.

Buhl: Ms. Adler?

Grace: My choices were gorgeous. Defense rests.

Will: But they were not mutually agreed upon.

Grace: Look, my choices were flawless, and if your client can't see that, then he is guilty of extremely bad taste, and isn't that the *real* crime here today?

Will: Gracie, there is no—

Grace: Objection! The familiar [“]cutening[”] of my name implies we like each other.

Buhl: Ms. Adler, though it's clear you know a lot of legal terms, you've yet to use a single one of them properly.

Grace: May I approach the bench?

Buhl: You'd have to build one first. All right. Mr. Truman, I'm going to rule in your favor.<sup>62</sup>

In tears, Grace tells Ben that she did “good work” for him but he

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<sup>62</sup> *Id.*

won't pay her, and that the result is unfair.<sup>63</sup> Will is upset and tells Ben he can't continue to work at Doucette and Stein: "It's this thing I have. A conscience. I tried to get rid of it in law school, but it didn't take. I don't think I'm the kind of lawyer you want for this firm." He is surprised when Ben replies, "You're wrong. You're exactly what I want. Mrs. Freeman, make sure Grace gets her check. . . . Underneath it all, I'd sell my grandmother down the river if it got me a continuance. But I have me. That's why I need you."<sup>64</sup>

Grace's cry that she did "good work" does not seem to matter because legal technicalities represent much of the show's attitude towards law. In many ways, law is either a game which the parties play in order to obtain desired outcomes (as Grace thought she could do once Will worked at the firm, even though Will should have recused himself from the dispute, and later as she thought she could influence the outcome of the arbitration by offering the arbitrator a tempting lunch), or as a profoundly unjust system (as she charges when the arbitration hearing results in the expected outcome of a decision for Ben Doucette). Grace assumes that the law will be "fair" to her partly because she plays by rules that she considers clear. She does her job (her choices are "flawless"), and she is a professional. She does not understand why the law should, through what she would consider a technicality, validate another opinion that results in a monetary loss to her. She shares her views with many non-lawyers.

In another episode, Will reveals he declined an invitation to go to the theater with his mother because he is "swamped" with work.<sup>65</sup> "Organizing the Christmas potluck?" asks Jack. Will responds, "It is such hard work! You wouldn't believe the number of hours I put in. Luckily, I bill them all to a rich, drunk client who'll never know the difference." Karen replies, "You're a smart man, Will. That's why you're my lawyer."<sup>66</sup> Will might be smart, but he is also unethical.

In a later episode, Karen finally decides to file for divorce and assumes that Will will represent her. When he tells her that such a representation would be a conflict of interest, she is furious and hires a young attorney, Jason, who appears to be completely unprepared for the complexities of her case. Jason asks to meet with Will and confides that he is "freaking out." "Mrs. Walker's case is, like, mad complicated. They keep on sending me all these papers and these folders. I can't make any sense of any of it. Can you help me?" Will responds,

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<sup>63</sup> *Id.*

<sup>64</sup> *Id.*

<sup>65</sup> *Will & Grace: Christmas Break* (NBC television broadcast Dec. 9, 2004).

<sup>66</sup> *Id.*

“I’m the opposing counsel.” Jason pleads, “Yeah, but you’re cool, right?” and Will says, “No, I’m not cool[. . .] It’s unethical for me to help you.” When Jason continues, “But, but I’m [going to] lose the case, and Mrs. Walker’s [going to] lose, like, thousands of dollars[.]” Will responds, “*Millions.*” Seeing Jason’s downcast face, Will says, “Look, all you have to do is prove that Stan violated the prenup, and Karen gets half of everything.”<sup>67</sup> He then continues to walk Jason through the entire case for the plaintiff. Eventually, we discover that Jason is not an incompetent fool. He is in fact a highly accomplished lawyer who now knows Will’s theory of the case. Once again, Will commits a breach of ethics.<sup>68</sup> What saves him is Karen’s decision to fire Jason because of her friendship for Will.<sup>69</sup>

In later episodes, in which Will and Grace decide to try “flipping” properties in order to make additional money, they misrepresent their interest to a couple who also deal in real estate in order to distract them from pursuing the same opportunities.<sup>70</sup> Will and Grace try to dissuade willing buyers from purchasing a property when another buyer, willing to offer more money, appears.<sup>71</sup> When both deals dissolve, they seek out the original buyer and offer to sell her the property, but withdraw the offer when yet another buyer turns up.<sup>72</sup> Finally, and most egregiously, in one episode, in order to “remain friends” with celebrity Sandra Bernhard, Will enters into a binding contract to purchase her apartment, forging Grace’s signature on the agreement in order to do so.<sup>73</sup> Although some of these lapses are ethical missteps rather than breaches of the disciplinary code, the last one is surely a crime. Will knows that Grace has not agreed to the purchase and cannot afford the purchase price, which is \$1 million. The sale will certainly fall through. If either Bernhard or Grace should choose to pursue charges (which is unlikely), he would be in serious legal trouble both with the district attorney and with the disciplinary authorities for the State of New York.<sup>74</sup> In a later episode, when Will and Grace accidentally run into her, Bernhard tells

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<sup>67</sup> *Will & Grace: May Divorce Be with You* (NBC television broadcast May 1, 2003).

<sup>68</sup> See N.Y. RULES OF PROF’L CONDUCT r. 1.6.

<sup>69</sup> *Will & Grace: May Divorce Be with You* (NBC television broadcast May 1, 2003).

<sup>70</sup> *Will & Grace: East Side Story* (NBC television broadcast Mar. 11, 2004).

<sup>71</sup> *Will & Grace: Flip-Flop: Part Two* (NBC television broadcast Mar. 4, 2004).

<sup>72</sup> *Id.*

<sup>73</sup> *Will & Grace: Swimming Pools . . . Movie Stars* (NBC television broadcast Jan. 11, 2001).

<sup>74</sup> See *Attorney Matters: How to Make a Complaint About a Lawyer*, SUPREME COURT OF THE STATE OF NEW YORK APPELLATE DIVISION SECOND JUDICIAL DEPARTMENT (Sept. 23, 2019) [https://www.nycourts.gov/courts/ad2/attorneymatters\\_ComplaintAboutALawyer.shtml](https://www.nycourts.gov/courts/ad2/attorneymatters_ComplaintAboutALawyer.shtml).

Will and Grace that since the two reneged on the deal, she has not been able to sell the property.<sup>75</sup>

Why does the show present Will in so many different roles as an attorney? One reason might be to suggest to the viewers that he has exceptional abilities as a lawyer. Another might be that, because he is a lead character, the writers want as many episodes as possible to feature legal storylines that demonstrate his abilities, whether or not they are plausible, given the kind of law he actually practices. Yet another reason might be to highlight his close relationship with his friends. Will wants to help them, law is a service profession, and many people need assistance with legal problems from time to time. Thus, people would naturally turn to the lawyers that they know, whether or not those lawyers practice the kind of law necessarily to solve the immediate problem.<sup>76</sup>

Presenting Will as knowledgeable and successful in so many different areas of law fits one of the stereotypes of the popular culture lawyer.<sup>77</sup> This idea begins with Perry Mason, the popular culture lawyer who serves as a family friend as well as an all-knowing counselor in the area of law, who becomes a standard character. Will Truman plays this part. The other characters in the show trust him to give them good advice, not just in the area of law, but in love and in their careers. He is the most faithful and mature character on *Will & Grace*. However, the show also subverts the notion that Will, as a lawyer, can really play this role.

When we first meet Will, he is a successful sole practitioner. But his own ego and ambition derail his career. Intoxicated by his success in representing millionaire Harlin Polk, Will notifies all of his other clients that they will need to seek alternate representation because he is

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<sup>75</sup> *Will & Grace: Someone Old, Someplace New* (NBC television broadcast Feb. 28, 2002).

<sup>76</sup> See *Will & Grace: My Best Friend's Tush* (NBC television broadcast May 16, 2000). Jack asks Will to help him find start-up financing for a new product. *Id.* Will proves to be too aggressive, and Jack finally takes over the negotiation himself and successfully obtains financing for his project, although the deal eventually falls through. *Will & Grace: The Buying Game* (NBC television broadcast Nov. 30, 1998). As it turns out, Jack has actually stolen the idea for the product from someone else. *Id.*

<sup>77</sup> See *Will & Grace: Swimming Pools . . . Movie Stars* (NBC television broadcast Jan. 11, 2001). Sandra Bernhard tells Will and Grace that she was "last year's cover Jewess . . . Me in a bikini on Fyvush Finkel's lap. Hot." Many of the *Will & Grace* episodes contain pop culture references that may easily escape viewers. *Id.*; see generally *Owen Marshall, Counselor of Law* (ABC television broadcast 1971–1974). Another example of a popular culture trusted family attorney is Owen Marshall, played by Arthur Hill. See generally *Picket Fences* (CBS television broadcast 1992–1996). This series turned the "trusted family attorney" trope on its head with the character of Douglas Wambaugh (played by Fyvush Finkel), who represented the most unusual and eccentric clients imaginable. *Id.*



now too busy to handle their legal work. Harlin then fires Will, telling him that he is not equipped to operate at the level Harlin's corporate empire requires.<sup>78</sup> The image of the egotistical attorney who overestimates his abilities is a trope; we see it represented in such films as *Primal Fear*, but we rarely see a client who asserts dominance over the attorney.

Will's behavior in many episodes suggests that he is really not an ethical attorney. In order to make certain that her maid (and eventually close friend) Rosario Salazar can stay in the country, Karen asks Will for assistance. Again, why she approaches Will for help with an immigration matter is unclear. As a corporate attorney, Will is unlikely to know anything about immigration law. Indeed, his first comments indicate he knows little. When Karen asks him what he can do to help Rosario, he says, "Look . . . we can apply for citizenship or get a temporary work visa, but these things take time. Short of marrying someone, I don't see any quick solution."<sup>79</sup>

Will should advise Karen to hire an immigration rights attorney to assist Rosario. Instead, he takes the case, and his approach immediately indicates the extent to which he is willing to abet immigration fraud. He arranges for Rosario and Jack to marry. Knowing that the Immigration and Naturalization Service (INS) (now ICE) is likely to question the basis for the marriage, he explains what the couple must do to make certain they pass their INS interviews. He also discusses these matters with Rosario and Karen together, which means that the conversation with Rosario, whom we would assume is his client, is not privileged.<sup>80</sup> Assisting a client to pursue a sham marriage in order to obtain a green card is illegal.<sup>81</sup> Will might argue that he believes that Rosario and Jack have affection for each other, and in several episodes we see the couple express such feelings,<sup>82</sup> but Will doesn't know that at the beginning when he, Jack, Karen, and Rosario set the plan in motion. He further advises Jack to move into Rosario's living quarters at Karen and Stanley Walker's luxurious apartment in order to enhance

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<sup>78</sup> *Will & Grace: Polk Defeats Truman* (NBC television broadcast Nov. 16, 1999).

<sup>79</sup> *Will & Grace: Object of My Rejection* (NBC television broadcast May 13, 1999). If Rosario is legally in the country, she should try to renew the work visa she presumably already has. *Id.* Nothing indicates that she is in the United States illegally. *See id.* Obtaining a green card as the spouse of a United States citizen takes time.

<sup>80</sup> *Will & Grace: Guess Who's Not Coming to Dinner* (NBC television broadcast Sept. 21, 1999). *See also* N.Y. RULES OF PROF'L CONDUCT r. 1.7.

<sup>81</sup> *See* Nina Bernstein, *Do You Take This Immigrant?*, N.Y. TIMES, June 13, 2010, at MB1 (discussing the kind of investigation the U.S. government conducts into such marriages to determine whether they are genuine).

<sup>82</sup> *Will & Grace: Partners* (NBC television broadcast May 19, 2005). Rosario is sick, and Jack insists that Karen have her admitted to the hospital. *Id.*

the lie that Jack and Rosario are a legitimate married couple.<sup>83</sup> The INS officer assigned to Jack and Rosario's case turns out to be a man with whom Jack once had a fling.

The INS officer is highly suspicious that Jack and Rosario's marriage is a sham, but the couple exchanges a persuasive open mouth kiss, and he signs off on their union, saying, "[N]ow, I've seen people desperate to be an American, but *that* is desperate to be an American. Fine. You passed. See you in [six] months."<sup>84</sup> The marriage ends when Jack discovers that Rosario is having an affair with another employee in the Walker household. He immediately demands that Karen "maintain him in the manner" that he has grown accustomed to while living in the Walker home, as part of the divorce settlement (requesting \$500,000 and various other assets), even though Karen is not the other party.<sup>85</sup> Will, again entering into a conflict of interest, represents him at the divorce hearing (apparently an arbitration), and scolds him for "bring[ing] a date."<sup>86</sup>

In the last season of the original series, Will decides to pursue a relationship with James, a man he meets at a movie theater. Because James, a Canadian citizen, is facing deportation, they think they will have to part, but Grace offers to marry James.<sup>87</sup> Again, Will facilitates this plan when he should not. He knows the marriage is purely for convenience.<sup>88</sup>

Will also tends to abandon his career and clients. He pushes away his long-time clients when he believes that his association with Harlin Polk will turn out to be the turning point for his career.<sup>89</sup> After Polk fires him, Will finds himself without any income and he shutter his firm. After several months without a law firm position, he meets Ben Doucette, who makes him an offer, and he brings Karen's husband Stanley to the new firm, Doucette and Stein.<sup>90</sup> He then quits the firm when he finds Stanley and Karen too demanding as clients.<sup>91</sup> Will quickly returns to the firm when Doucette offers him a partnership,

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<sup>83</sup> *Will & Grace: Guess Who's Not Coming To Dinner* (NBC television broadcast Sept. 21, 1999).

<sup>84</sup> *Will & Grace: Whose Mom Is It Anyway?* (NBC television broadcast Nov. 9, 1999).

<sup>85</sup> *Will & Grace: Ben? Her?* (NBC television broadcast May 23, 2000).

<sup>86</sup> *Id.*

<sup>87</sup> *Will & Grace: I Love L. Gay* (NBC television broadcast Feb. 2, 2006). James is one of the few ethnically non-white gay characters we see in 1990s mainstream television. *Id.*

<sup>88</sup> *Will & Grace: The Definition of Marriage* (NBC television broadcast Feb. 9, 2006).

<sup>89</sup> *Will & Grace: Polk Defeats Truman* (NBC television broadcast Nov. 16, 1999).

<sup>90</sup> *Will & Grace: Tea and a Total Lack of Sympathy* (NBC television broadcast Jan. 11, 2000).

<sup>91</sup> *Will & Grace: Ben? Her?* (NBC television broadcast May 23, 2000).

even though he previously insisted that working at the firm is too stressful. He then finds a bully from his school days working there who “forces” Will to draft a contract for a client. Will does so, but he sabotages the document by including insulting language intended to reveal the bully’s laziness and incompetence.<sup>92</sup> Of course, this behavior represents the kind of revenge many of us might dream about carrying out against someone who has taken advantage of us. However, we recognize it is supremely unprofessional as well as childish. That Will does it demonstrates that he would prefer to take revenge on a colleague rather than look out for the best interests of the firm’s client.

Despite Will’s claim to be an ethical attorney, as when he stands up to Ben Doucette, he often puts his own interests ahead of those of his co-workers, his clients, his employers, his fiduciaries, and his friends. When Stein fires a long-time attorney in order to give Will her office, Will initially puts up a fight, but then justifies Stein’s action in explanation to Grace by telling her that “it’s just office politics” and “everybody knows that.”<sup>93</sup>

When Will and Grace decide to rent a larger apartment that they cannot afford, they manipulate their friends Ellen and Rob into subletting Will’s apartment at an exorbitant rate, because Ellen, who is pregnant, wants to move back to Manhattan from New Jersey.<sup>94</sup> When Will and Grace then have renter’s remorse over the new apartment, they agree to Rob’s request to allow him and Ellen out of the lease, which Rob makes at the hospital after the birth of his son. Rob then tells Will he knows lease terms were unfair. When Will tries to deny what he did, Rob responds, “I’m your accountant.”<sup>95</sup>

In another episode, Will accompanies Karen to a holiday event at her country club, during which he attempts to find clients.<sup>96</sup> Karen, now separated from her husband, gives the impression that Will is her lover (more precisely, an escort), although Will does not know this. When he finds out, he is understandably unhappy with her.<sup>97</sup> When

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<sup>92</sup> *Will & Grace: Past and Presents* (NBC television broadcast Oct. 4, 2001).

<sup>93</sup> *Will & Grace: Boardroom and a Parked Place* (NBC television broadcast Nov. 7, 2002). Interestingly, after Stein leaves the firm for unexplained reasons and the new head of the firm, Margot, takes over, Will is once again an associate. *Will & Grace: Partners* (NBC television broadcast Jan. 13, 2005).

<sup>94</sup> *Will & Grace: Something Borrowed, Someone’s Due* (NBC television broadcast Mar. 7, 2002).

<sup>95</sup> *Id.*

<sup>96</sup> *Will & Grace: A Chorus Lie* (NBC television broadcast Feb. 7, 2002).

<sup>97</sup> Unlike some other jurisdictions, New York has no cause of action for false light, so if Will wanted to file a lawsuit against Karen for allowing people to believe this characterization of him, he could not prevail. See *Okocha v. HSBC Bank USA, N.A.*, 700 F. Supp. 2d 369, 376 (S.D.N.Y. 2010) (“New York does not recognize a common law ‘false light’

various women approach him to ask for his “services,” he believes they mean legal services. However, he invites at least one of them to meet with him at the same time as another member of the country club because they were friends. While one woman might agree, the other woman has not agreed to a joint appointment<sup>98</sup> (and the woman and Will do not have the same expectation of the kind of appointment they will be having). In the rebooted series of *Will & Grace*, Will has returned to practicing law.<sup>99</sup> In the episode “How To Succeed in Business Without Really Crying,” Grace tries to use Will to tempt a potential client, Eli Wolf, to hire her.<sup>100</sup> The plot is almost exactly the same as the show’s first season’s episode, “Saving Grace,” in which her potential client Nathan Barry expresses interest in Will and Grace agrees that she can facilitate a date between the two men. In fact, Will even suggests that she use the same approach to “seal the deal.”

Will: . . . How’d your meeting go?

Grace: Great. It’s between me and one other designer.

Will: That’s amazing. What can you do to seal the deal?

Grace: Well, I feel like *I’ve* done all I can do. You know what I was thinking about today for some reason? How cool is it that gay guys don’t make a big deal about sex?

Will: That’s a huge generalization.

Grace: Yeah, but you know what I mean. It’s like, you could hook up with a guy you barely know and it would be fine.

Will: Maybe in my 20s.

Grace: Yeah, but who doesn’t miss their 20s? Being a young single guy having meaningless sex with a young single guy. Potentially helping a friend in the process.

Will: Grace. Are you trying to pimp me out to your client?

Grace: No, of course not. Unless you’re up for it.

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invasion of privacy tort.”).

<sup>98</sup> While these women are not yet his clients, he should probably meet with them separately first. See N.Y. RULES OF PROF’L CONDUCT r. 1.7.

<sup>99</sup> *Will & Grace: 11 Years Later* (NBC television broadcast Sept. 28, 2017); *Will & Grace: How to Succeed in Business Without Really Crying* (NBC television broadcast Oct. 26, 2017).

<sup>100</sup> *Id.*

Will: Grace!

Grace: I'm sorry. Okay, okay. Just forget what I said. I'm a terrible person. It's just that you called in the middle of my presentation, and Eli said that you had a cute gay face, and I said you were a big time homo, and . . .

Will: Eli, as in Eli Wolff? Your hotel guy is Eli Woff?

Grace: Yeah, you've heard of him?

Will: Of *course* I've heard of Eli Wolff. He's a total power gay. . . . He's exactly who a potential senior partner should be with.

Grace: And you're a potential senior partner.

Will: I know. I love him for me.<sup>101</sup>

Even though Will's date with Eli ends badly, Eli, like Nathan Barry, gives Grace the contract.<sup>102</sup> At the end of the episode, Grace encourages Will to quit his job at the law firm and join her in her design firm. After some initial squabbling over the name of the firm,<sup>103</sup> they decide on a partnership. Will's unhappiness with law practice is palpable. Instead of being excited, he cries after he is named partner.<sup>104</sup> However, we do not understand what he brings to Grace's firm as a designer, except that both he and Grace often mention that he has taste, which is a stereotype associated with gay men. Will often helps Grace shop for clothes, for example,<sup>105</sup> and he disagreed with her decision to change her entry for the design competition in the episode "My Fair Maid-y." A judge who heard him agreed that he was correct.<sup>106</sup> That stereotypical "gay sensibility" does not seem to be enough to hold the partnership together. They immediately quarrel when Will expands the firm's footprint into a space next door without asking Grace's permission.<sup>107</sup> Will is a controlling and dictatorial personality.<sup>108</sup> We also see

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<sup>101</sup> *Id.*

<sup>102</sup> Grace, unlike Will, wavers between having confidence and lacking confidence in herself. See *Will & Grace: My Fair Maid-y* (NBC television broadcast Feb. 2, 1999).

<sup>103</sup> He suggests "Will and Grace," referencing the title of the show, and she counters with "Grace and Will."

<sup>104</sup> Again, why he is going through the trauma of "going up for partner" is odd. Do the writers believe that lawyers routinely seek out partnerships, like dental appointments?

<sup>105</sup> *Will & Grace: The Third Wheel Gets the Grace* (NBC television broadcast Sept. 20, 2001).

<sup>106</sup> *Will & Grace, Will & Grace: My Fair Maid-y* (NBC television broadcast Feb. 2, 1999).

<sup>107</sup> *Will & Grace: Rosario's Quinceañera* (NBC television broadcast Nov. 2, 2017).

<sup>108</sup> See *Will & Grace: Head Case* (NBC television broadcast Oct. 5, 1998). Grace wants to create one bathroom out of the two in the apartment, and Will's reaction is quite negative

Will try out other careers, including a short-lived stint as a public interest attorney at the Coalition for Justice,<sup>109</sup> a brief try as a writer,<sup>110</sup> and as an attorney for a mysterious entity run by the U.S. Government.<sup>111</sup>

Eventually, Will turns to teaching law, and he finally seems to find a career that speaks to him. However, in doing so, he again abandons his prior careers without much thought or concern for those who have invested time, money, or trust in him. Grace took him in as a partner, but he easily abandons their partnership in order to pursue a life in legal academia.<sup>112</sup> Will so easily leaving behind another profession to teach law suggests that he is used to being something of a “golden boy,” whose life permits him to do anything he likes with few consequences, *even though he claims to be quite concerned about ethics*. This false concern signals to us, the audience, that Will is no more sincere than many other contemporary pop culture lawyers in spite of the persona the show carefully cultivates for him.<sup>113</sup>

Will’s career in legal academia is as ethically problematic as his career in law practice. For example, he becomes too close to some of the students in his classes (legal ethics and corporate law), who then make fun of him.<sup>114</sup> Will and his friends drink the leftover sodas the students leave in his apartment and discover that the drinks are spiked. In one episode, Will decides to try for a permanent appointment at NYU Law School. When Professor Rice, a NYU Law School faculty member, visits his apartment and has a health crisis, Will and Grace believe he is dead.<sup>115</sup> In a panic, they commandeer his cell phone and send a text to the hiring committee recommending Will for an open faculty position. When Professor Rice regains consciousness and discovers the sent text, Will and Grace realize they have no explanation to give him.<sup>116</sup> Finally, they agree with Professor Rice that they will not reveal his medical condition if Professor Rice does not reveal the fact

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because he doesn’t even want her to add new pillows in the living room. *Id.*

<sup>109</sup> *Will & Grace: Swish Out of Water* (NBC television broadcast Nov. 24, 2005).

<sup>110</sup> *Will & Grace: Friends with Benefits* (NBC television broadcast May 19, 2005).

<sup>111</sup> *Will & Grace: Kiss and Tell* (NBC television broadcast May 19, 2005).

<sup>112</sup> *Will & Grace: Where in the World Is Karen Walker* (NBC television broadcast Oct. 11, 2018).

<sup>113</sup> For discussion about legal ethics and popular culture lawyers, see for example, Carrie Menkel-Meadow, *Can They Do That? Legal Ethics in Popular Culture: Of Characters and Acts*, 48 UCLA L. REV. 1305 (2001). On “evil” lawyers in film, see Michael Asimow, *Embodiments of Evil: Law Firms in the Movies*, 48 UCLA L. REV. 1339 (2001) and Carrie Menkel-Meadow, *Is There an Honest Lawyer in the Box? Legal Ethics on TV*, in *LAWYERS IN YOUR LIVING ROOM* 37–47 (Michael Asimow, ed., A.B.A. Press, 2009).

<sup>114</sup> *Will & Grace: Family Trip* (NBC television broadcast Jan. 31, 2019).

<sup>115</sup> *Will and Grace: Dead Man Texting* (NBC television broadcast Feb. 8, 2019).

<sup>116</sup> *Id.*

that he did not send the text. Apart from the obvious misrepresentations in the way that faculty members and committees interview and recommend candidates for law school positions, this episode also highlights Will's ethical issues.<sup>117</sup>

Lawyer "burnout," the phenomenon in which attorneys decide to leave the profession for any number of reasons, is certainly a concern for the legal profession.<sup>118</sup> Among the reasons that lawyers leave the practice are intense stress, recognition that they are just not suited for legal practice, that they simply no longer enjoy it and would prefer to pursue some other career, and that they need to balance work and personal life and the practice of law does not offer that work-life balance. But lawyers have made substantial financial and personal sacrifices to enter and continue the profession of law and do not leave it lightly. *Will & Grace* offers us the spectacle of an attorney who enters and leaves the profession with almost no thought and no consequences for his actions. In only one series of episodes (the first time during which he loses Harlin Polk as a client) does Will actually face the consequence of any failure for any poor choices in his career. Even then, he seems not to suffer much in the way of financial losses. Otherwise, Will comes and goes from the law or from various positions in the law as if it is not truly a profession, but again, a game that one can play or not, as one wishes.

#### IV. LEGAL RHETORIC AND IMAGES IN *WILL & GRACE*

As I note above (for example, in the discussion of Grace's behavior in the arbitration over Ben Doucette's failure to pay her for interior design services), law and legal language also shape relationships and points of view in the show. Heterosexual marriage and divorce are common events in *Will & Grace*, as is mention of the fact that same-sex marriage is not recognized, as the show predates *Obergefell v. Hodges*.<sup>119</sup>

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<sup>117</sup> See Christine A. Corcos, *What We Talk About When We Talk About Law Schools: Deconstructing Meaning in Popular Culture Images of Legal Education*, HEDGEHOGS AND FOXES (Mar. 17, 2018), <https://hedgehogsandfoxes.org/index.php/2019/04/12/christine-a-corcos-what-we-talk-about-when-we-talk-about-law-schools-deconstructing-meaning-in-popular-culture-images-of-legal-education/>.

<sup>118</sup> Many articles and books have offered answers to this long-standing question. See generally Fiona M. Kay, *Flight From Law: A Competing Risks Model of Departures from Law Firms*, 31 L. & SOC'Y REV. 301 (1997); JEAN STEFANCIC & RICHARD DELGADO, *HOW LAWYERS LOSE THEIR WAY: A PROFESSION FAILS ITS CREATIVE MINDS* (Duke University Press, 2005); John Hagan & Fiona Kay, *Even Lawyers Get the Blues: Gender, Depression, and Job Satisfaction in Legal Practice*, 41 L. & SOC'Y REV. 51 (2007).

<sup>119</sup> See generally *Obergefell v. Hodges*, 135 S. Ct. 2584 (2015); see also *Will & Grace: Coffee and Commitment* (NBC television broadcast Jan. 4, 2001).

Various characters also make appeals to “constitutional law” or “constitutional rights,” apparently believing that such language might have some relationship to the point they are making. In large part, this language and these images relate directly to the central theme of the show, which is the position of the LGBTQ community in American life in the late 1990s and early 2000s, and then in the late 2010s.

All four of the main characters use overtly homophobic language, other slurs, and engage in discriminatory practices during various episodes in the show. The characters, however, also frequently express concern that they might be doing so. To the extent that they are aware that they might be engaging in such speech or conduct, the characters exemplify a desire to conform to what they believe is the current state of the law, even if it does not actually apply to them. They seem to wish to present a particular political viewpoint to the world. For example, after Grace decides that she needs another assistant, she interviews and then hires Pam, an Iranian immigrant, who is spectacularly incompetent, because she is afraid Pam might sue her for discrimination.<sup>120</sup> Karen, her assistant, warns her against the choice, because she can foresee that Pam is not only unable to fulfill the requirements of the position but is also likely to be a disruptive influence in the workplace. Only when Grace discovers that the new employee is not Muslim, but Jewish, like Grace herself, does Grace fire her. See exchange below:

Pam: Grace, you seem uncomfortable around me.  
Is it because I’m Middle Eastern?

Grace: No, Pam. No, I’m not uncomfortable at all,  
and I’m happy I’m able to give you this opportunity.  
And I believe that despite our different backgrounds,  
that we can work together and help make a more toler-  
ant world. Excuse me.

Pam: What a beautiful sentiment. I made a similar  
speech at my Bat Mitzvah.

Grace: Bat Mitzvah? You’re Jewish?

Pam: Like brisket.

Grace: Jewish? I can’t believe this! This is great!  
This is wonderful!

Pam: Okay, why?

Grace: Because we’re both Jewish! I don’t have  
to be tolerant of my own kind. I don’t owe you any-  
thing!

Pam: What’s your point?

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<sup>120</sup> *Will & Grace: Cowboys and Iranians* (NBC television broadcast Mar. 23, 2006).



Grace: You're fired! See you at temple!<sup>121</sup>

Whether Grace is correct or not in her assessment of the law is not really the point. She believes that she must overlook Pam's incompetence and rudeness because Pam practices a different religion. This is not because Pam is an immigrant, but because the law requires her to do so. When she discovers that Pam is Jewish, she fires her.

When Jack decides to complain to NBC over its decision to pan away from a depiction of the first same-sex kiss on its network, he demands, "Well, what about our constitutional right to see two hotties get it on?"<sup>122</sup> An NBC employee listens to his complaints sympathetically but indicates that the network believes to air such a scene would be too provocative. Later, seeing Al Roker doing a live broadcast, Jack interrupts him to address the live audience about the issue, asking "how long" it would be before audiences would see such a scene. "Not as long as you'd think," Will says, and kisses him on air.<sup>123</sup> The self-referential nature of this episode demonstrates both that the show and the network were aware of broadcast television's need to respond to the emerging same-sex rights movement of the 1990s and the sensitivity and fear that some of the mainstream media evinced if and when it considered the issue.<sup>124</sup> The fact that the kiss occurs "live" is doubly interesting.

First, NBC (*Will & Grace's* real life home network) is the imaginary home network of the fictional show *Along Came You*, the show that Jack complains won't depict that first same-sex kiss on-air. Craig, the NBC employee who discusses Jack's complaint with him tells him, "[W]hat you need to understand is that this network has a responsibility to its audience. . . . [Y]ou will never see two gay men kissing on network television." Jack responds furiously, "Wha . . . It's a gay network, for God's sake! The symbol is a peacock!" Craig responds calmly, "Have a nice day."<sup>125</sup>

Craig is making the point that the network, and by extension those associated with the shows it broadcasts, will not air content its audience will find offensive. NBC has decided that a same-sex kiss would offend most of its audience. Therefore, a same-sex kiss will not air (even

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<sup>121</sup> *Id.*

<sup>122</sup> *Will & Grace: Acting Out* (NBC television broadcast Feb. 29, 2000).

<sup>123</sup> *Id.*

<sup>124</sup> See generally MELANIE E. S. KOHNEN, QUEER REPRESENTATION, VISIBILITY, AND RACE IN AMERICAN FILM AND TELEVISION: SCREENING THE CLOSET 25 (Taylor & Francis, 2016) (noting that even shows such as *Will & Grace* focus on white characters, rarely mentioning that other gay characters exist).

<sup>125</sup> *Will & Grace: Acting Out* (NBC television broadcast Feb. 29, 2000).

though the show *Along Came You* suggests the kiss by panning away as the characters continue their conversation: “I think I’m about to kiss you.” “I think I’m about to be kissed.”)<sup>126</sup> The fictional *Along Came You*, like the real *Will & Grace*, is taped.

Jack and Will leave the NBC corporate offices, and meet popular personality Al Roker, who is doing a weather broadcast on the street, and who talks to them briefly. Will then takes the opportunity to kiss Jack on live television.<sup>127</sup> The crowd cheers. Various other characters, all of whom happen to be watching HBC at the time, Ben Doucette’s assistant Mrs. Freeman, Grace, and Karen, react in shock as they see the kiss. In the context of the episode, the scene is “live.” Thus, we see two gay men kiss on network television, shortly after Craig pronounces it to be an impossibility.

If a Federal Communications Commission (FCC) licensee takes the position that events taking place during live broadcasts might offend viewers, it can make use of a broadcast delay feature in order to monitor the live telecast.<sup>128</sup> However, we see no evidence that NBC uses a broadcast delay in order to prevent the broadcast of Will and Jack’s kiss, because we see it, just as we see the reactions of the show’s characters to the kiss. Even though the kiss is “live,” the show itself is not.

Jack’s pro-gay rights attitude disappears when he confronts lesbians. He overtly dislikes them. When he and Will prepare to participate in a gay sensitivity training seminar for law enforcement, Jack’s inability to be professional nearly derails preparation for the event. Although he is gay, Jack can barely hide his dislike for Will’s friends, Terry and Annie, a disdain for which Will scolds him during the first rehearsal of the script for the event.<sup>129</sup>

Terry: So, officer, I hope you understand. We just want to be treated the same as anybody.”

Annie: No better, No worse.

Jack: I understand. I learned a valuable lesson today. Everyone deserves to be treated with a little respect. Even mean lesbian kite sellers.

Annie: Oh, that’s—!

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<sup>126</sup> *Id.*

<sup>127</sup> *Id.*

<sup>128</sup> See In Re Complaints Against Various Licensees, EB-04-IH-0011 (FCC Sept. 22, 2004) (discussing the Feb. 4, 2004 Super Bowl broadcast and CBS’s use of a broadcast delay feature), <https://transition.fcc.gov/eb/Orders/2004/FCC-04-209A1.html>.

<sup>129</sup> *Will & Grace: Girl Trouble* (NBC television broadcast Oct. 26, 2000).

Will: [To Jack] You are this close to losing your post rehearsal yogurt.

Jack: That's the line, that's what's written here.

Will: Yeah, that's because you wrote it. In lip liner!

Jack: At least one of us brought some.

Terry: "I don't think that's funny."

Jack: "Why? 'Cause Ellen DeGeneres didn't say it?"

Annie: All right! We're going!

Terry: Will, we're sorry, but this guy is an idiot.

Jack: Smart enough to sleep with men!

...

Will: (To Jack, out of earshot of Terry and Annie) I don't—I don't know where to start.

Jack: Neither do I. The wide one is giving me nothing.

Will: You are, as of now, the most offensive person in this building. And I'm including Mr. Open Robe with his itchy bits on the tenth floor.

Jack: Name one thing I did wrong.

Will: Wha— One thing? Ok, let's see. You haven't once called them by their names, preferring instead to address them as ["Mister" or ["Señor.[]"] You've mooed, you've sung the Lumberjack Song. And then you told some joke about the Indigo Girls and a Mexican restaurant that I still don't understand. I could try to appeal to you as a thoughtful gay man, but, ironically, that would be fruitless. Let me take a different tactic. I'm going to challenge you as an actor.

Jack: Jean Valjean? You're taking my art seriously?

Will: I want you to try and play a man who is not offensive to lesbians.<sup>130</sup>

Similarly, when Jack obtains a role filming an anti-sexual harassment video (playing the part of an offending manager), and the director casts Karen in the part of a victimized employee (because she is available and the actress previously cast fails to appear), they repeatedly ruin the takes by misspeaking the dialogue and then proceed to make out on the set while the narrator is reading an explanation of the law that

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<sup>130</sup> *Id.*

applies to workplace harassment.<sup>131</sup> Their lack of self-awareness still results in a workplace video that explains Title VII.<sup>132</sup> Title VII forbids unwelcome advances in the workplace, and Jack and Karen's behavior illustrates the purpose of the statute in ways that the script does not. Even though Jack and Karen might be engaging in consensual sexual behavior, they are doing so in the workplace, and their employer (the director) is both annoyed and uncomfortable.

Grace attempts to defend Karen's free speech rights in an episode in the rebooted series. The show explicitly sets the episode in a bakery to make explicit reference to the recent Supreme Court case, *Masterpiece Cakeshop*.<sup>133</sup> Karen, who has emerged in the rebooted series as a Trump supporter, orders a cake with the word "MAGA" on it.<sup>134</sup> The bakery owner declines the order. Grace intervenes, on the principle that if the baker would make a cake for a gay wedding, then she should make one for a MAGA celebration. Eventually, the baker agrees. She tells Grace, "But you were right. It's about the principle. On the bright side, once word got out, business really picked up." As they are talking, a customer enters to ask the baker to check a cake he ordered. "I am so sorry," the customer says. "I hate to be that guy, but, uh, can you take a look at this cake again? The, uh, swastika's a little off-center." "Sure," the baker responds. "I'm sorry. It's just, sometimes, when I'm crying, my arm isn't as steady."

Finally, other episodes of *Will & Grace* illustrate legal issues even if they do not center on Will as an attorney. Privacy issues abound. In "The Big Vent," Will and Grace eavesdrop on their downstairs neighbors through the heating vent.<sup>135</sup> It is unlikely that the neighbors know that Will and Grace can hear them arguing, or that the wife, who is having an affair with her brother-in-law, knows that Will and Grace have discovered the details of her personal life. But as it turns out, the neighbors also know about Will and Grace's private life, although they believe Will and Grace are a dysfunctional married couple as well.

In several episodes, Grace, Karen, and Jack intrude on personal communications. Jack and Karen intercept Grace's letter to her

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<sup>131</sup> *Will & Grace: Terms of Employment* (NBC television broadcast Nov. 30, 1999). When Will first hears of Jack's casting in this role, his response is to laugh, which offends Jack. *Id.*

<sup>132</sup> See generally 42 U.S.C. §§ 2000e to 2000e-17 (2018) (covering Title VII and harassment issues).

<sup>133</sup> *Masterpiece Cakeshop, Ltd. v. Colo. Civil Rights Comm'n*, 138 S. Ct. 1719, 1723 (2018).

<sup>134</sup> *Will & Grace: The Beefcake and the Cake Beef* (NBC television broadcast Mar. 15, 2018).

<sup>135</sup> *Will & Grace: The Big Vent* (NBC television broadcast Jan. 5, 1999).

husband.<sup>136</sup> Grace reads a letter that another woman wrote to her husband.<sup>137</sup> Will listens to voice messages that others leave on Will and Grace's answering machine.<sup>138</sup>

Karen decides to trespass into the hotel room of the woman who has become her husband's mistress in the episode entitled "Heart Like a Wheelchair."<sup>139</sup> Karen enlists the assistance of a man she meets in the hallway to climb through the transom. Because the man is actually the occupant of the room, she does not complete the trespass; however, she certainly has the intention to do so.<sup>140</sup>

Karen's direct approach to problem solving is also evident when she goes to traffic court.<sup>141</sup> Will, who is once again acting as her attorney, challenges Karen's speeding citation on the basis that the police officer has forgotten to sign the citation. When Vince, the officer, discovers that Will is someone whom friends have wanted him to meet for some time, the situation becomes chaotic. Karen takes charge:

Vince (the police officer): Wait—you're Will Truman?

Will: Yes, and I'll ask the questions here.

Vince: No, it's just—I'm Vince. I'm friends with Joe and Larry.

Will: You're Vince, friends with Joe and Larry?

Vince: Yeah, they've been tryin[g] to fix us up for years.

Will: Wh—?! You're kidding! You're—you're—you're the Vince that rides a motorcycle and makes his own lotions?

Vince: That's me. And you must be the Will that makes an olive tapenade that would make you faint.

Will: I don't know about faint, but . . . you may want to be in a room full of pillows just in case.

Judge: Uh, Mr. Truman. This isn't happy hour at the Manhole. It's a court of law.

Will: Oh, please, eat your sandwich. (Speaking to Vince) I can't believe we're meeting like this.

Vince: I know. This is so weird.

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<sup>136</sup> *Will & Grace: Homojo* (NBC television broadcast Feb. 6, 2003).

<sup>137</sup> *Will & Grace: Dames at Sea* (NBC television broadcast Sept. 25, 2003).

<sup>138</sup> *Will & Grace: Object of My Rejection* (NBC television broadcast May 13, 1999).

<sup>139</sup> *Will & Grace: Heart Like a Wheelchair* (NBC television broadcast Nov. 6, 2003).

<sup>140</sup> N.Y. PENAL LAW § 140.05 (2019).

<sup>141</sup> *Will & Grace: Courting Disaster* (NBC television broadcast Mar. 18, 2004).

Karen: Hey, hey, hey, hey. Come here. This isn't happy hour at the Cockpit. This is a court of law. Now get your ass out there and litigate, bitch!

Will: Uh, Your Honor, we don't dispute the officer's version of the events. However, there is a single piece of evidence—Just one minute.

Judge: It's fine, I've got pudding.

Will: (to Karen) Karen, I have a problem. This is the first cute, available guy I've met in a long time. And there's a very good possibility that he's into me. Can we please drop this ticket?

Karen: A possibility? You wanna sell me out for a possibility? Listen, mister, if we're [going to] throw this case, it's [going to] be for a sure thing. Excuse me. (to the Judge) Hey. Robe. Permission to approach the hot cop.

Judge: Sure.

Karen (to Vince): Listen, I have got one question for you, and you had better consider your answer very carefully. My attorney is horny as hell. I know he's not much to look at, but he's horny as hell. Now, if we drop this whole thing, would you go out on a date with him?

Vince: Sure.

Karen: Remember, you're under oath.

Vince: Yeah. I like his hair.

Karen (to the Judge): Well, Your Honor, we're all done here.

Judge: Me too.<sup>142</sup>

Karen sees the courtroom proceedings as time-wasting technicalities, and quite possibly as something that could derail the possibility that Will could meet a partner who could make him happy. While the law can often succeed in obtaining an outcome that she favors, as in making her half-owner of her husband's property, it can also interfere with outcomes that she or her friends seek, as in this episode, or when she makes a promise that she would prefer not to keep, as in "Dames at Sea". Will has told Vince prior to the beginning of the proceedings that he forgot to sign the ticket. Vince sees the possibility of avoiding embarrassment. Will and Vince both see the possibility of the beginning of a new relationship. The judge is happy to dispose of a case.

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<sup>142</sup> *Id.*

Everyone is satisfied. The scene satirizes a legal proceeding but results in the “right” outcome for the characters and their situation.<sup>143</sup>

Finally, in the episode “To Serve and Disinfect,” Grace discovers that when Karen was young, she made an adult film for the private use of an unnamed person.<sup>144</sup> Nevertheless, someone has now distributed it. Under New York law, Karen does have a cause of action for infringement of the right of publicity.<sup>145</sup> The law states that “[a] person, firm[,] or corporation that uses for advertising purposes, or for the purposes of trade, the name, portrait[,] or picture of any living person without having first obtained the written consent of such person, or if a minor of his or her parent or guardian, is guilty of a misdemeanor.”<sup>146</sup> Karen seems to realize that filing suit would be little compensation for whatever reputational loss she has suffered. Instead, she confronts the videographer and slaps him.<sup>147</sup> She then retreats to her home. For Karen, who is wealthy and who might actually suffer less embarrassment than most people, such a solution might ultimately be satisfactory. Grace, however, takes a more practical approach. She spends a great deal of time hunting down all the copies of the video and returns them to Karen, although she keeps one, which she and Will watch as the episode ends. We do wonder whether her friends’ knowledge of Karen’s participation in an adult film is exactly what Karen fears. Grace, of course, does not tell Karen that she keeps a copy. What this episode suggests but does not directly confront is the problem for those who might find themselves the targets of sexual blackmail. What effective responses might be available to them? Karen has the means, though not the inclination, to pursue the videographer. Others, with fewer means and less power, have less power and, consequently, fewer options.

We find that Grace has made a similar calculation in an episode of the rebooted series. In “Grace’s Secret,” Grace reveals to her father, Martin, that his best friend sexually harassed her and attempted sexual intercourse with her when she was fifteen.<sup>148</sup> For Martin, who has never understood why Grace dislikes the man so much, this revelation is horrific. He can hardly believe it, and yet, given all the “Me Too” stories in the news, he finds it credible. He is horrified that Grace never

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<sup>143</sup> The population of New York might not agree. As we see throughout the episode, Karen is really a dangerous and thoughtless driver. *Id.*

<sup>144</sup> *Will & Grace: To Serve and Disinfect* (NBC television broadcast Nov. 23, 1999).

<sup>145</sup> N.Y. CIV. RIGHTS LAW §§ 50–51 (2019).

<sup>146</sup> *Id.*

<sup>147</sup> *Will & Grace: To Serve and Disinfect* (NBC television broadcast Nov. 23, 1999).

<sup>148</sup> *Will & Grace: Grace’s Secret* (NBC television broadcast Nov. 1, 2018).

told him and devastated that he was unable to protect the daughter he loves so much. Grace did not report the attempt because she, like many other girls and women, knew that people would not believe her.<sup>149</sup> She solved the problem herself by keeping silent and has lived with it for thirty years. Grace might have learned eventually that the law provides a remedy for victims of sexual assault, but it is at best an uncertain one, and often causes more trauma for the person making an honest report. Like Karen, she might have decided that the social norm which requires silence was unsatisfying, but it allowed her to move forward. Making a report would probably have disrupted her life and destroyed her father's friendship with this man.

All the characters in *Will & Grace* readily discuss and admit to watching and enjoying sexually explicit material, to which adults may have access in the United States, although the government may regulate the material.<sup>150</sup> Grace even makes a "sexy video" for her husband in Will's apartment.<sup>151</sup> Jack observes and films her (yet another example of a character invading another character's privacy). When Grace discovers Jack's intrusion, she is upset, but then takes his suggestion to attend one of his acting classes in order to make her video more interesting. Will subscribes to a gay porn channel.<sup>152</sup>

Finally, immature behavior is also a hallmark for these characters, regardless of the fact that this kind of response could lead to legal consequences. Will and Grace and their friends tend to express themselves freely, often following only those rules that are likely to have repercussions for them in the near future. Karen's willingness to enter another person's hotel room without permission; Jack's willingness to film Grace without her permission (even if she grants it later); and Will's propensity to bend or break laws, which is particularly alarming for an attorney, all indicate that while they might talk about law in the abstract, and sometimes make an appeal to the law, they may also overlook it when they find it inconvenient. Social norms have no meaning for the characters, and they may also act in the present without thinking about the future. In one case, an artist in whom Grace was once interested invites Grace to his opening after seeing an article and photograph

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<sup>149</sup> See generally Kaelyn Forde, *Why More Women Don't Report Sexual Assaults: A Survivor Speaks Out*, ABC NEWS (Sept. 27, 2018, 10:40 AM), <https://abcnews.go.com/US/women-report-sexual-assaults-survivor-speaks/story?id=57985818> (discussing the difficulties of reporting a sexual assault).

<sup>150</sup> See, e.g., *Reno v. Am. Civil Liberties Union*, 521 U.S. 844 (1997) (discussing the U.S. government's methods of regulating content on the internet).

<sup>151</sup> *Will & Grace: Sex, Losers, and Videotape* (NBC television broadcast Apr. 3, 2003).

<sup>152</sup> *Will & Grace: A Buncha White Chicks Sittin' Around Talkin'* (NBC television broadcast May 9, 2002).



of her in the newspaper.<sup>153</sup> The photograph is immensely flattering; it enhances her bust size, and Grace believes that the man might be more interested in her if she looks like the photograph. She buys and wears a “water bra” to enhance her looks. The bra springs a leak, and Grace admits the deception. The artist then rejects her and tells Karen, who is in attendance, that she “ha[s] a beautiful soul.”<sup>154</sup> Karen responds archly, “That’s not my soul you’re looking at.” Grace proceeds to vandalize some of his artwork by spraying it with water from the bra.<sup>155</sup>

However, the characters do depend on social norms and will object if someone does not follow them. Just as Grace objects if Jack or Karen reads her letter to Leo, she and Will object when a passenger in an elevator fails to hold the elevator for her when Will is waiting for her and she is hurrying to catch up with him.<sup>156</sup> No law requires that the other occupant of the elevator do so, of course, but as Will and Grace say to him when the doors start to close, “What kind of person *does* that?”<sup>157</sup>

Because it is a show about characters and their relationships, and not a show about law, *Will & Grace* presents us with individuals who find themselves in situations that they could resolve in several ways. Because one of the characters is an attorney, the other characters naturally turn to him, and often ask him for advice; he does not offer unsolicited legal advice very often. Unless they think the law is likely to be favorable to them, the characters seem unlikely to appeal to the law, which is a normal human reaction. They are more likely to behave in ways that real people usually do. That is, the characters do not stop to consider whether their behavior is legal or has legal consequences, and they may attempt to solve problems using means they think reasonable or practical, rather than legal. If the characters do make an appeal to the law, they may actually ignore legal advice, believing that it is technical, biased, or unlikely to resolve the real issue. In that way, the show might actually be pointing out some real shortcomings with our legal system. Will, Grace, Jack, and Karen might also be reminding us that the best possible solution for some problems in our society is not

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<sup>153</sup> *Will & Grace: Das Boob* (NBC television broadcast Nov. 2, 1999).

<sup>154</sup> *Id.*

<sup>155</sup> *Id.* Interestingly, in another episode, Grace rejects a potential boyfriend because she discovers that a man in whom she is interested has six toes on one foot. *Will & Grace: Three’s a Crowd, Six Is a Freak Show* (NBC television broadcast Dec. 14, 2000). She rejects him for this physical imperfection; this time he tells her she is immature. She had a dermatological procedure the week before and cancelled their date because she was afraid he would reject her. He tells her that would have been a terrible reason to refuse to pursue a relationship with someone.

<sup>156</sup> *Will & Grace: Cheatin’ Trouble Blues* (NBC television broadcast Mar. 28, 2002).

<sup>157</sup> *Id.* (emphasis added).

litigation, but a return to some of the traditional norms many of us learn as children and teenagers—courtesy, kindness, patience, forgiveness, and sharing.